

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL RIVERA,

Plaintiff

v.

C.O.I. J. O'HAIRE, et al.,

Defendants.

CIVIL ACTION NO. 1:15-CV-01659

(MEHALCHICK, M.J.)

INSTRUCTIONS CONCERNING VERDICT FORM

A verdict form has been prepared for your convenience. I will review this form with you now, and afterwards you will take it with you to the jury room. In order for you as a jury to answer a question, each juror must agree to the answer. In other words, your answers to each question must be unanimous. Your foreperson will write the unanimous answer of the jury in the space provided after each question, and will date and sign the form of special verdict when completed.

Nothing said in the verdict form is meant to suggest what your verdict should be. You alone have the responsibility for deciding the verdict.

FILED
SCRANTON
JUL 11 2017
PER
DEPUTY CLERK

SPECIAL VERDICT SLIP

We, the jury, unanimously find the following:

1. Did Plaintiff Michael Rivera prove by a preponderance of the evidence that Defendant Andrew Sromovski used unreasonable force against him in the trauma room of the infirmary on January 20, 2015?

_____ Yes

_____ ~~X~~ No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please proceed to Question Six.

2. Did Defendant Andrew Sromovski's acts, described in Question One above, cause injury to Plaintiff Michael Rivera?

_____ Yes

_____ No

3. If you answered "Yes" to Question Two, please state the amount that will fairly compensate Plaintiff Michael Rivera for the injuries he actually sustained as a result of Defendant Andrew Sromovski's use of force. If you answered "No" to Question Two, you must award Plaintiff Michael Rivera nominal damages in the amount of \$1.00 with respect to Defendant Andrew Sromovski.

\$ _____ (Fill in Dollar Figure)

4. Did Defendant Andrew Sromovski act maliciously or wantonly in using unreasonable force against Plaintiff Michael Rivera?

_____ Yes

_____ No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please proceed to Question Six.

5. If yes, what amount of punitive damages is Plaintiff Michael Rivera entitled to as a result of Defendant Andrew Sromovski's actions?

\$ _____ (Fill in Dollar Figure).

6. Did Plaintiff Michael Rivera prove by a preponderance of the evidence that Defendant Joseph O'Haire used unreasonable force against him in the trauma room of the infirmary on January 20, 2015?

_____ Yes

_____ **X** No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please proceed to Question Eleven.

7. Did Defendant Joseph O'Haire's acts, described in Question Six above, cause injury to Plaintiff Michael Rivera?

_____ Yes

_____ No

8. If you answered "Yes" to Question Seven, please state the amount that will fairly compensate Plaintiff Michael Rivera for the injuries he actually sustained as a result of Defendant Joseph O'Haire's use of force. If you answered "No" to Question Seven, you must award Plaintiff Michael Rivera nominal damages in the amount of \$1.00 with respect to Defendant Joseph O'Haire.

\$ _____ (Fill in Dollar Figure)

9. Did Defendant Joseph O'Haire act maliciously or wantonly in using unreasonable force against Plaintiff Michael Rivera?

_____ Yes

_____ No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please proceed to Question Eleven.

10. If yes, what amount of punitive damages is Plaintiff Michael Rivera entitled to as a result of Defendant Joseph O'Haire's actions?

\$ _____ (Fill in Dollar Figure).

11. Did Plaintiff Michael Rivera prove by a preponderance of the evidence that Defendant Edmund Bienkowski used unreasonable force against him in the trauma room of the infirmary on January 20, 2015?

_____ Yes

_____ X No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please do not answer any further questions. Have the foreperson sign the last page of the verdict slip and return to the Courtroom.

12. Did Defendant Edmund Bienkowski's acts, described in Question Eleven above, cause injury to Plaintiff Michael Rivera?

_____ Yes

_____ No

13. If you answered "Yes" to Question Twelve, please state the amount that will fairly compensate Plaintiff Michael Rivera for the injuries he actually sustained as a result of Defendant Edmund Bienkowski's use of force. If you answered "No" to Question Seven, you must award Plaintiff Michael Rivera nominal damages in the amount of \$1.00 with respect to Defendant Edmund Bienkowski

\$ _____ (Fill in Dollar Figure)

14. Did Defendant Edmund Bienkowski act maliciously or wantonly in using unreasonable force against Plaintiff Michael Rivera?

_____ Yes

_____ No

If you answered "Yes" to this question, please proceed to the next question.
If you answered "No" to this question, please do not answer any further questions. Have the foreperson sign the last page of the verdict slip and return to the Courtroom.

15. If yes, what amount of punitive damages is Plaintiff Michael Rivera entitled to as a result of Defendant Edmund Bienkowski's actions?

\$ _____ (Fill in Dollar Figure).

Please have the foreperson sign the last page of the verdict slip and return to the Courtroom.

SO SAY WE ALL, this 11 day of July, 2017.

____ Foreperson